

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

No. CR 98-391 JB

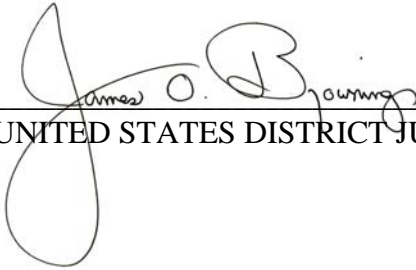
MEL LAMBERT VELARDE,

Defendant.

**MEMORANDUM OPINION AND ORDER**

**THIS MATTER** comes before the Court on the Defendant's Objections to Pre-Sentence Report, filed July 25, 2008 (Doc. 438). The Court held a sentencing hearing on July 29, 2008. For the reasons stated at the hearing and for further reasons consistent therewith, the Court will sustain both of Defendant Mel Lambert Velarde's objections to the Pre-Sentence Report. The Court will sustain Velarde's objection to the first standard condition of release that requires Velarde to remain in the judicial district unless he receives the permission of the Court or probation officer. The Court will also sustain Velarde's objection to the seventh requirement listed in the standard sex-offender conditions requiring him to participate in a mental health program. The Court notes that the United States Probation Officer and the United States did not oppose Velarde's second objection and Velarde's request for the Court to permit the United States Probation Office, in its discretion, to order mental-health treatment.

**IT IS ORDERED** that the Defendant's Objections to the Pre-Sentence Report are sustained.



UNITED STATES DISTRICT JUDGE

*Counsel:*

David C. Iglesias  
Gregory J. Fouratt  
United States Attorneys  
J. Miles Hanisee  
Glynette R. Carson-McNabb  
Presiliano Torrez  
Assistant United States Attorneys  
United States Attorney's Office  
Albuquerque, New Mexico

*Attorneys for the Plaintiff*

Peter Schoenburg  
Marc M. Lowry  
Rothstein, Donatelli, Hughes, Dahlstrom  
Schoenburg & Bienvenu, LLP  
Albuquerque, New Mexico

*Attorneys for the Defendant*